

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

In the Matter of the Suspension of the) Administrative Order
Continuance Panel for Felony Cases) No. 2004-159
_____)

In a letter to Presiding Judge Myers, dated February 24, 1999, then Chief Justice Zlaket observed that “Maricopa County is not even close to meeting acceptable time standards in its handling of felony criminal cases.” He continued, “like it or not, the justice system in Maricopa County simply cannot continue to ‘do business’ as it has in the past.”

The Chief Justice’s letter and instruction to “take immediate steps to achieve substantial compliance with acceptable case processing time limits,” set in motion a series of major reforms in criminal case processing in Maricopa County.

A substantial impediment to felony criminal case processing in Maricopa County was a deeply embedded culture of delay for criminal cases. Although Rule 8 explicitly states that criminal cases will be continued for only extraordinary circumstances, in 1999 in Maricopa County the ordinary had become extraordinary. Continuances were routinely requested on the grounds that the trial date “was the first trial setting,” or that counsel had not prepared the case.

In May 2000, the judges of the criminal department at its monthly bench meeting decided to master calendar all motions to continue to a small group of judges who would sit each afternoon to hear motions to continue in criminal cases. These judges would enforce Rule 8 and the guidelines for continuances for Maricopa County. By Administrative Order 2000-30, dated June 20, 2000, signed by both Presiding Judges Robert Myers and Colin Campbell, the continuance panel for downtown Phoenix felony criminal cases was created.

The continuance panel has now operated for over four years. Whatever one can say about the case processing of criminal cases in Maricopa County for the late 1990’s, those days are past. Routinely, in Maricopa County, 93% to 95% of felony criminal cases are now brought to trial or change of plea within 180 days of arraignment, more or less.

Mindful that the Court can never let felony criminal case processing fall back into the culture that existed in the late 1990's, it is now time to test whether the Maricopa County Superior Court's traditional preference for individual calendar management, rather than master calendars, can meet the Arizona Supreme Court's case management standards of bringing to trial or disposition all in-custody cases within 150 days, and out-of-custody criminal cases within 180 days. Accordingly,

IT IS ORDERED:

1. Administrative Order 2000-30, creating the continuance panel, is suspended from October 11, 2004, until March 15, 2005. If there is no further order from the Presiding Judge, motions to continue in felony criminal cases will return to a master calendar on and after March 15, 2005.
2. The trial court administrator, in addition to regular monthly criminal statistics, will prepare monthly reports on the number of motions to continue filed, and the days of continuances granted by trial judges. The trial court administrator may gather and measure other statistics aimed at comparing the master calendar system of granting continuances with the individual calendar system.
3. The trial court administrator shall track Rule 10.2 notices for change of judge in the criminal department. Any trial judge who believes that a Rule 10.2 notice is used against the judge because of calendar management practices or denial of a continuance shall report the incident or incidents to the Presiding Judge for appropriate action.

Done on October 4, 2004.

Colin F. Campbell
Presiding Judge

Original: Clerk of Court
Copies: Marcus Reinkensmeyer, Trial Court Administrator
All Criminal and Special Assignment Judges
The Honorable Richard Romley
Jim Haas, Robert Briney and Susan Sherwin

